

AMENDMENT UNDER 37 C.F.R. §1.111
USSN: 09/759,220

REMARKS

Claims 1-14 are all the claims pending in the application.

Applicant thanks the Examiner for considering the IDS's form 1449 filed on December 31, 2001. However, Applicant request that the Examiner consider the IDS filed on August 21, 2003 and January 2, 2004.

Prior Art Rejections

Claims 1-14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Yoshino (U.S. Patent No. 6,308,086 B1). Applicant traverses these rejections because Yoshino fails to disclose all of the claim limitations. Specifically, Yoshino fails to disclose at least the following limitations of independent claims 1 and 8:

Claim 1:

means for fetching melody data from *a server apparatus by using said browser function*; and

Claim 8:

having access to a *server equipment by means of said browser function*;

The Examiner asserts that Yoshino discloses a mobile communication terminal equipped with a browser function and a server apparatus. To support this assertion, the Examiner cites to the following portions of Yoshino:

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As shown in FIG. 6, the portable cellular phone comprises an external device 613 and an external interface 612 for outputting or inputting musical scale information to or from the external device 613. Col. 7, lines 37-40.

Further, in a case where the external device has a radio-communication function based on a radio wave or an infrared ray, the musical scale data recorded in the memory section 608 can be transferred to a device distant from the portable cellular phone. Col. 8, lines 9-14.

In a case where the portable cellular phone has an external interface, musical scale information can be transferred between the portable cellular phone and an external device, thus enabling editing of the musical scale information through use of the external device and recording of the thus-edited musical scale information into the portable cellular phone. Col. 8, lines 43-49.

However, none of these excerpts discloses or suggests a browser function. Likewise, none of these excerpts discloses or suggests a server apparatus. More specifically, an external device with a radio-communication function based on a radio wave or an infrared ray is not the same as, nor does it suggest, fetching data from a server apparatus by using said browser function.

Regarding claims 2-7 and 9-14, they should be allowable at least based on their dependence from claims 1 or 8 for the same reasons described above.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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